



Appeal Decision

Site visit made on 14 August 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/E2001/D/19/3230557

38 Broadmanor, Pocklington, York, East Yorkshire YO42 2GB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Peter Jackson against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/01135/PLF, dated 29 March 2019, was refused by notice dated 30 May 2019.
 - The development proposed is internal alterations plus erection of single and two storey extensions to the rear, to provide additional living accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the occupiers of 16 Saunders Crescent with regard to overlooking and privacy.

Reasons

3. The dwelling is located on a modern housing estate which has been built to a relatively high density. Nonetheless, the rear gardens of the estate are of a broadly consistent depth, in conformity with modern planning standards. The rear of the dwelling faces towards the common boundary that is shared with the rear garden of No 16, a dwelling which fronts onto an adjacent road. The development would include a first-floor window which would serve a bedroom and which would face toward the rear boundary.
4. The existing relationship between the dwelling and the adjacent properties is generally consistent with the relationships between properties in the wider area. The Council's Design Guidance for Home Extensions recommends that a minimum distance of 10m is maintained from an upstairs window to the boundary of neighbouring properties and the existing arrangement appears to comply with that standard. In my experience that distance is in line with generally recognised planning standards.
5. The development would bring the nearest point of the dwelling significantly closer to the rear boundary of the site than at present, and consequently closer to the rear garden area of No 16. The separation distance would fall well short of the recommended 10m standard and any residents looking out from the bedroom would be able to view down into the rear garden of No. 16 at close proximity. I consider that the reduction in distance would result in an

unacceptable overlooking impact from the first-floor bedroom window onto the private rear garden area of the adjacent dwelling.

6. I conclude therefore that the development would cause significant harm to the living conditions of the occupiers of No 16 through overlooking and a loss of privacy. Consequently, the development would fail to meet with the objectives of Policy ENV1 of the East Riding Local Plan Strategy Document 2016 which seeks to safeguard the living conditions of the occupiers of adjacent properties.

Other Matters

7. The appellant has stated that the Council's concern with respect to overlooking was not raised at pre-application stage and that as a result they consider that the application should not have been refused on this ground. However, I must consider the merits of the case as I find it before me and, for the reasons given, the proposal would fall well short of accepted planning standards with regard to separation distances.

Conclusion

8. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR